

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

B.E. and S.E., minor children by their)	
mother, legal guardian, and next friend, L.E.,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:21-cv-00415-JRS-MG
)	
VIGO COUNTY SCHOOL CORPORATION;)	
PRINCIPAL, TERRE HAUTE NORTH VIGO)	
HIGH SCHOOL, in his official capacity,)	
)	
Defendants.)	

DEFENDANTS' PRELIMINARY WITNESS AND EXHIBIT LISTS

Pursuant to the Case Management Plan approved by the Court, Defendants, Vigo County School Corporation and the Principal of the Terre Haute North Vigo High School, in his official capacity (jointly, "Defendants"), by counsel, respectfully submit the following lists of witnesses and exhibits that they may rely upon at the trial of this matter other than witnesses and exhibits that will be used solely for purposes of impeachment or rebuttal.

WITNESS LIST

The following witnesses have knowledge of facts supporting the pleadings and issues in this case and may be called as witnesses at trial:

1. Dr. Stacy Mason
2. Michael Cox
3. Matthew McClendon
4. Ashley Luken
5. Daniel Radford
6. B.E., Plaintiff
7. L.E., Plaintiff

8. S.E., Plaintiff
9. Any individual who provides or has provided a witness statement to the parties
10. Any individual identified through discovery in this matter
11. Any individual identified on Plaintiffs' witness lists or disclosures
12. Any individual necessary for authentication of documents, impeachment or rebuttal

In the event that it is subsequently determined that Defendants will call other or additional witnesses, other than for purposes of impeachment or rebuttal, Plaintiffs will be so advised. Defendants reserve the right to add to or otherwise amend the above list of witnesses after the completion of discovery or for any appropriate reason.

EXHIBIT LIST

The following exhibits may be introduced into evidence at trial:

1. B.E.'s and L.E.'s student files
2. B.E.'s and L.E.'s medical records
3. Documents and communications relating to B.E.'s and L.E.'s accommodation requests
4. VCSC Administrative Guidelines Regarding Accommodations for Transgender Students
5. VCSC policies and procedures
6. Vigo Circuit Court Orders on Verified Petition for Change of Name and Gender Marker dated December 2, 2021
7. Map of Terre Haute North Vigo High School
8. Memorandum of Agreement to Establish and Operate an Air Force Junior Reserve Officer Training Corps Unit at Terre Haute North Vigo High School
9. Any witness statements produced by any party

10. Any pleading or other paper filed with the Court
11. Any document identified on Plaintiffs' exhibit lists or disclosures
12. All documents produced by non-parties in this case
13. Any document identified through the discovery phase of this case
14. All depositions, deposition exhibits, and written discovery requests and responses
15. Any document necessary for impeachment or rebuttal

In the event that it is subsequently determined that Defendants will offer other or additional exhibits, other than for purposes of impeachment or rebuttal, Plaintiffs will be so advised. Defendants hereby reserve the right to add or otherwise amend the above list of exhibits after the completion of discovery or for any appropriate reason.

Respectfully submitted,

/s/ Philip R. Zimmerly

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2022, a copy of the foregoing “Defendants’ Preliminary Witness and Exhibit Lists” was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

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/s/ Philip R. Zimmerly

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